



#25/919a CPA / \$  
1/600

PATENT  
ATTORNEY DOCKET NO.: 057309-5004-01US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
BOX CPA  
Washington, D.C. 20231

PRIOR APPLICATION: Examiner: P. Gambel, Ph.D.  
Group Art Unit: 1644

RECEIVED  
MAY 05 2003  
TECH CENTER 1600/2900

CONTINUED PROSECUTION APPLICATION (CPA)  
REQUEST UNDER 37 C.F.R. § 1.53(d)

This is a request for filing a

[X] Continued Prosecution Application procedure of 37 C.F.R. § 1.53(d) of prior application no. 09/068,935, filed November 23, 1998 entitled *Therapeutic and Diagnostic Agents for the Treatment of Microbial Infections*, by David PASCUAL *et al.*

1. Please change the Attorney Docket No. to 057309-5004-01-US.
2. [X] Please enter the amendment previously filed on July 30, 2001 (copy attached)
3. [X] A preliminary amendment is enclosed.
4. [X] The filing fee is calculated on the basis of the claims existing in the prior application as amended at 2 and 3 above.

CLAIMS FOR FEE CALCULATION				
	Claims Remaining After Amendment	Highest No. Previously Paid	at Rate of	Basic Fee Utility \$ 750.00 Design \$ 375.00
Total Claims (37 C.F.R. § 1.16(c))	60	60	\$ 18.00 each =	+ .00
Independent Claims (37 C.F.R. § 1.16(b))	8	14	\$ 84.00 each =	+ .00
Multiple dependent claim(s), if any (37 C.F.R. § 1.16(d))			\$280.00	+
SUB-TOTAL =				\$750.00
Reduction by ½ for filing by a small entity				375.00
TOTAL FILING FEE =				\$375.00

05/02/2003 AMONDAF1 00000132 500310 09068935

01 FC:2006 375.00 CH  
02 FC:2253 465.00 CH

5. ☐ Small entity status is claimed and

☒ was filed in the prior nonprovisional application and is still proper and desired.

6. **Extension of Time**

☐ Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

☒ Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a)-(d), for the total number of months checked below:

<u>Total Months Requested</u>	<u>Fee for Extension</u>	<u>[Fee for Small Entity]</u>
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 410.00	\$205.00
<input checked="" type="checkbox"/> <b>three months</b>	<b>\$ 930.00</b>	<b>\$465.00</b>
<input type="checkbox"/> four months	\$1,450.00	\$725.00

Extension fee due: **\$465.00**

☒ The Commissioner is authorized to charge the fee for a three-month extension of time in the amount of **\$465.00** to Deposit Account No. 50-0310.

7. **Fee Payment**

☐ Not Enclosed. NO FEE IS BEING PAID BY CHECK OR DEPOSIT ACCOUNT AT THIS TIME.

This application is being filed under the provisions of 37 C.F.R. § 1.53(f). Applicant(s) await notification from the Patent and Trademark Office of the time set for filing the Declaration and paying the filing fees.

☒ Payment Authorization:

The Commissioner is hereby authorized to charge **\$1100.00** to deposit account no. 50-0310 for:

basic filing fee \$375.00

extension of time 465.00

§ 1.48(a) Petition to Correct 130.00

§ 1.48(b) Petition to Correct 130.00

**TOTAL \$1,100.00**

8. **Inventorship**

☐ This application is filed by fewer than all the inventors named in the prior application under 37 C.F.R. § 1.53(d)(4).

☐ DELETE the following inventors named in the prior application:

☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.

9. ☒ Please address all correspondence to Morgan, Lewis & Bockius LLP at

**1111 Pennsylvania Avenue, NW  
Washington, D.C. 20004  
Customer Number: 009629**

10. ☐ Recognize as associate attorney \_\_\_\_\_  
(name, address, and registration no.)

11. ☒ EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).

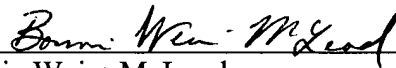
11. **Additional papers enclosed:**

1. Preliminary Amendment
2. Copy of Supplemental Amendment filed July 30, 2001
3. Reference by Berg *et al.* (*Nature*)
4. Abstract by Berg *et al.* (*J. Cell Biol.*)
5. Substitute Declaration signed by inventors
6. Consent form signed by LigoCyte
7. Consent form signed by Montana State University
8. Two (2) statements in support of petition under 1.48(a)
9. Petition to Correct Inventorship under 1.48(a)
10. Petition to Correct Inventorship under 1.48(b)
11. Abstract of Disclosure (separate sheet)

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**

By:

  
Bonnie Weiss McLeod  
Reg. No. 43,255

**Dated: April 30, 2003**

MORGAN, LEWIS & BOCKIUS LLP  
1111 Pennsylvania Avenue, NW  
Washington, D.C. 20004  
202-739-3000 (Tel.)  
202-739-3001 (Fax)

## TRANSACTION REPORT

Transmission  
Transaction(s) completed



NO.	TX DATE/TIME	DESTINATION	DURATION	PGS.	RESULT	MODE
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I hereby certify that this correspondence is being sent by facsimile transmission of the United States Patent and Trademark Office, Examiner Philip Gambel, Ph.D. Group Art Unit 1844 (703) 308-3997 on July 30, 2001

*Patricia Hodge*  
Patricia Hodge

**Morgan, Lewis  
& Bockius LLP**  
COUNSELORS AT LAW

1800 M Street N.W.  
Washington, D.C. 20036  
Tel: 202-467-7000  
Fax: 202-467-7176

**PLEASE FORWARD TO  
EXAMINER GAMBEL  
IMMEDIATELY!!**

**FAX MESSAGE****Send to:**

(1) Name: Examiner Philip Gambel (GAU 1844)

FAX Number: (703) 746-5293

Firm: U.S. Patent & Trademark Office

Telephone Number: (703) 308-3997

**From:**

Name: Lora M. Green, Ph.D.

Floor: 6S

Telephone Number: 202-467-7807

Time Sent:

Date Sent: July 30, 2001

Number of Pages (INCLUDING COVER PAGE): 7

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**Comments:**

In re Application of:

I hereby certify that the correspondence is being sent by facsimile transmission of the United States Patent and Trademark Office, Examiner Philip Gambel, Ph.D. Group Art Unit 1644 (703) 308-3997 on July 30, 2001

Patricia Hodge

Morgan, Lewis  
& Bockius LLP  
COUNSELORS AT LAW

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Tel: 202-467-7000  
Fax: 202-467-7176



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IMMEDIATELY!!**

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**Comments:**

In re Application of:

David PASCUAL *et al.*

Application No.: 09/068,935

Filed: November 23, 1998

For: THERAPEUTIC AND DIAGNOSTIC  
AGENTS FOR THE TREATMENT OF  
MICROBIAL INFECTIONS

Group Art Unit: 1644

Examiner: Philip Gambel, Ph.D.

Our Ref: 47714-5004-US

**Please see attached Second Supplemental Amendment documents.**



PATENT  
ATTORNEY DOCKET NO. 047714-5004-US

THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

David PASCUAL *et al*

Application No.: 09/068,935

Filed: November 23, 1998

For: THERAPEUTIC AND DIAGNOSTIC  
AGENTS FOR THE TREATMENT  
OF MICROBIAL INFECTIONS

Group Art Unit: 1644

Examiner: Philip Gambel, Ph.D.

Commissioner for Patents  
Washington, D.C. 20231

Sir:

AMENDMENT TRANSMITTAL FORM

1. Transmitted herewith is the Second Supplemental Amendment in response to the Restriction Requirement mailed August 29, 2000, and supplements the Amendment dated May 17, 2001.

2. Additional papers enclosed:

- ☐ Drawings: ☐ Formal ☐ Informal (Correction)
- ☐ Information Disclosure Statement
- ☐ Form PTO-1449, \_\_\_ references included
- ☐ Citations
- ☐ Declaration of Biological Deposit
- ☐ Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

3. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

- ☐ Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.
- ☐ Applicant petitions for an extension of time, the fees for which are set out in 37 CFR § 1.17(a), for the total number of months checked below:

July 30, 2001—I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING FACSIMILE  
TRANSMITTED TO EXAMINER PHIL GAMBEL, PH.D., TECHNOLOGY CENTER 1600.

(SIGNATURE)

<u>Total Months Requested</u>	<u>Fee for Extension</u>	<u>[Fee for Small Entity]</u>
[ ] one month	\$ 110.00	\$ 55.00
[ ] two months	\$ 380.00	\$195.00
[ ] three months	\$ 890.00	\$445.00
[ ] four months	\$1,390.00	\$695.00

Extension of time fee due with this request: \$ \_\_\_\_\_

**If an additional extension of time is required, please consider this a Petition therefor.**

[ ] An extension for \_\_\_ months has already been secured and the fee paid therefor of \$ \_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

5. Fee Calculation (37 C.F.R. §1.16 as Small Entity)

CLAIMS AS AMENDED						
	Claims Remaining After Amendment		Highest No. Previously Paid	Present Extra	at Rate of	Total Fees
Total Claims	58	minus	57	1	1 x \$18.00 each=	+\$ 18.00
Independent Claims	8	minus	14	0	0 x \$80.00 each=	+\$ 0.00
<input type="checkbox"/> First presentation of Multiple dependent claim(s)					\$270.00	+ \$ 0.00
SUBTOTAL						= \$ 18.00
Reduction by ½ for filing by a small entity						- \$ 9.00
TOTAL FEE						= \$ 9.00



6. Fee Payment

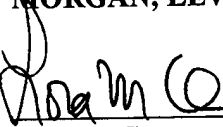
- ☐ No fee is to be paid at this time.
- ☐ Check No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ for a \_\_\_\_\_ month extension of time.
- ☒ The Commissioner is hereby authorized to charge **\$9.00** for the one additional dependent claim (*small entity*) to **Deposit Account No. 50-0310**.
- ☒ **EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to **Deposit Account 50-0310**. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. §1.136(a)(3).

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**

Dated: July 30, 2001

By: \_\_\_\_\_

  
Lora M. Green  
Reg. No. 43,541

**CUSTOMER NO. 09629**  
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